

CHAPTER 193
FORMERLY
HOUSE BILL NO. 184

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2710(a), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The Division, upon receiving from any person ~~over the age of 16 years who is at least 16 years old but less than 18 years old or a person who is receiving special education services under an active Individualized Education Program who is at least 16 years old but less than 22 years old~~, an application for a Level 1 Learner's Permit, together with the fee required by law, may, in its discretion, issue such a permit entitling the applicant, with such a permit in the applicant's immediate possession, to drive a motor vehicle upon the highways of this State provided they meet all requirements for the permit. Eye screening and medical examinations will be required in accordance with Division policies.

The Division may issue a distinctively designed Level 1 Learner's Permit document or issue the permit holder a Class D license encased in a packet which explains the driver's limited driving privileges. If the permit holder completes the 12-month driving experience and the sponsor does not withdraw their endorsement, the Division will notify the permit holder by mail that the permit holder is eligible for a Class D license. The time used to compute the 12 months of driving experience shall not include any period of time when the permit holder's driving privileges were suspended, revoked, canceled, denied or surrendered.

Section 2. Amend § 2710(b), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) Level 1 Learner's Permit. — A person who is at least 16 years old but less than 18 years old, or a person who is receiving special education services under an active Individualized Education Program who is at least 16 years old but less than 22 years old, may obtain a Level 1 Learner's Permit if the person has:

(1) Successfully completed a course in driver education in a public or private high school in this State, which has been approved by the Department of Education and meets the standards for such courses described by that Department. If the applicant has completed a course of instruction in driver education in a public or private high school outside this State, the applicant must produce a certified copy of that applicant's high school transcript evidencing the completion of the driver education course;

(2) Passed a written test and road skills test administered by the Division or administered by a driver education teacher. Students who require specialized evaluation, training or equipment to operate a motor vehicle because they are persons with a physical or mental disability will be identified by the driver education teacher and tested by the Division;

(3) Been certified by the driver education teacher as qualified for licensing; and

(4) Submitted an application signed by a sponsor as required by subsection (e) of this section.

Section 3. Amend § 2710(d), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(d) Class D license qualifications. — A person who is at least 17 years old but less than 18 years old, or who is at least 17 years old but less than 22 years old and receiving special education services under an active Individual Education Program (IEP), may obtain a Class D operator's license if the person meets the following requirements:

(1) The person has held a Level 1 Learner's Permit issued by the Division for at least 12 months; and

(2) The person has an application signed by a sponsor as specified in subsection (e) of this section.

The sponsor's signature on the Level 1 Learner's Permit application authorizes the minor to obtain the Class D operator's license when eligible unless the sponsor withdraws, in writing, their authorization for any such license or permit.

Section 4. Amend § 2710(e), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(e) The Division shall not grant the application of any minor between the ages of 16 years and 18 years or a person receiving special education services under an active Individual Education Program (IEP) between the ages of 16 and 22 for an operator's license or Level 1 Learner's Permit unless such application is signed both by the applicant and a sponsor who is the applicant's parent, guardian, Division of Family Services case worker or court-ordered custodian who resides in this State.

(1) Nevertheless, if the applicant has no parent, guardian, Division of Family Services case worker or court-ordered custodian residing in the State to act as the applicant's sponsor, another responsible adult person acceptable to the Secretary of Transportation who resides with the applicant in this State may sign the application.

(2) The following sponsors are listed in order of preference:

a. Father or mother of the minor if both parents are living together within this State and the minor resides with both parents.

b. Father of the minor, if the father is living within this State, and the minor resides with the father only; mother of the minor, if the mother is living within this State, and the minor resides with the mother only; or father or mother, if the father or mother live within this State, and the minor resides with neither parent, and the minor has no legal guardian within this State;

c. Guardian, Division of Family Services case worker or court-ordered custodian of the minor, duly appointed, as such, under the laws of this State; or

d. Any suitable person acceptable to the Secretary of Transportation.

(3) The Department shall not require as a prerequisite to the issuance of a license to a minor under this section, that the father, mother, guardian, Division of Family Services case worker or court-ordered custodian who signs the minor's driver license application be present at the time the application is made by minor or sign the application at the offices of the Division of Motor Vehicle. The signing of the application and acknowledgment thereof, by the parent, guardian, Division of Family Services case worker or court-ordered custodian before a notary public or other person authorized to administer oaths shall be deemed sufficient to satisfy the requirements of this section. However, sponsors designated in paragraph (e)(2)d. of this section shall sign the minor's license application in the presence of a Division representative.

(4) The sponsor who signs the driver's license application on behalf of a minor has final authority to determine if the minor is capable of handling the responsibility of operating a motor vehicle and authority to designate who can supervise the minor driver per paragraph (c)(2) of this section. The sponsor who signed the application on behalf of the minor can withdraw their endorsement at any time until the minor reaches age 18, thereby canceling the minor's driving authority regardless of the type of permit or license held. If the court terminates the custody order and the minor subsequently resides with a parent in this State, then the parent may cancel the driving privileges of the minor under this section. To reinstate the canceled driving privileges, an approved sponsor must sign the application on behalf of the minor. When the minor turns 18, they can reinstate their previously held driving privileges without a sponsor's signature. The applicant can reinstate the driving privileges of a canceled license when they meet the license requirements and pay the appropriate license fee.

(5) It shall be unlawful for any person to sign the application of a minor under the provisions of this section when such application misstates the age of the minor or misrepresents the sponsor's relationship to the minor. Any person who violates this provision shall be guilty of a class B misdemeanor, and both the minor applicant and the sponsor's driving privileges shall be suspended for 2 months per § 2733(a)(5) of this title.

(6) It is unlawful for a sponsor to knowingly allow the holder of a Level 1 Learner's Permit to drive in violation of paragraph (c)(2) of this section. A sponsor who violates this provision is guilty of an unclassified misdemeanor.

Section 5. Amend § 2710(k), Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(k) *Driver education learner's permit.* — The Division, upon receiving proper notice that a person is currently enrolled in a driver's education course and successfully completed the minimum class hours of actual driving experience and in-the-car observation as approved by the Department of Education, may issue a driver education learner's permit to such person after the person's sixteenth birthday, or before the person's twenty-second birthday if the person is enrolled in an active Individualized Education Program, provided the person meets all other Division requirements. The Division may issue a driver education learner's permit to those ~~minors~~ who meet the requirements of this section and need supervised driving experience before completing the road skills test. The ~~5-~~year~~full~~ driver license fee shall be collected at the time of the application. The permit is valid for 4 months. If for any reason whatsoever the applicant fails to pass the required examinations during the 4-month period granted by the permit, the permit shall be void and the driver license fee shall be forfeited. The application must be signed by the sponsor pursuant to subsection (e) of this section.

Section 6. Amend § 2712, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows and redesignating accordingly:

(e) Applicants who are receiving special education services under an active Individualized Education Program may waive the provisions of this section and obtain a Class D operator's license if the person meets the requirements of § 2710(d).

Section 7. Amend § 2713(d), Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(d) Written and road skill examinations for students duly enrolled in a driver education course, including students who are receiving special education services under an active Individualized Education Program until the age of 22, will be administered by driver education teachers certified by the Delaware Department of Education. Upon successful completion of the driver education course, the certified teacher must issue a "High School Driver Education Certificate" which will be accepted in lieu of the written and road skill examinations administered by the Division for a period of 6 months from the date of issue. No further testing by the Division is required unless the High School Driver Education Certificate has expired; in such event, full testing is required. Students identified in §2710(b)(2) of this section as a persons with a disability requiring ~~will attend~~ specialized training shall ~~and~~ be examined by the Division. All persons under age 18 who transfer their out-of-state license for a Delaware license must be given a written and road test by the Division. Any person who is suspended while operating a motor vehicle on a Level 1 Learner's Permit, Driver Education Learner's Permit or temporary instruction permit will be re-examined before reinstatement. Notwithstanding the preceding, the Division must administer written and road skills tests to applicants who are 18 years of age or older, except as otherwise provided in subsections (b) and (c) of this section.

Section 8. This bill shall take effect 180 days after its enactment.

Approved October 20, 2015